



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTIN J WALSH,	:	22-CV-2206 (JPC) (RWL)
	:	
Plaintiff,	:	
	:	
- against -	:	
	:	ORDER
MBB SERVICES, INC. <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff's letter motion to compel at Dkt. 57. The application is denied without prejudice principally for the reasons set forth in Defendant's letter at Dkt. 58. Plaintiff may renew his application if a dispute remains after fulfilling his obligation to meet and confer in good faith.

With respect to a protective order, the Court agrees that Plaintiff appears to conflate protection for purposes of discovery versus the extent to which documents may be filed and remain under seal. Discovery material that is not filed on summary judgment, at trial, or in other substantive fashion generally is not considered "judicial" documents and may be subject to sealing if the standards for doing so are met. Under any protective order to be approved by the Court, to the extent Plaintiff disagrees with "confidential" designations by Defendant, Plaintiff will be free to do so. And, contrary to Plaintiff's misapprehension, the burden to justify designation of material as confidential or subject to sealing will remain with the party seeking the protection, not the party challenging it.

In the meantime, Plaintiff must produce non-confidential material without waiting for entry of a protective order.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 17, 2023
New York, New York

Copies transmitted this date to all counsel of record.